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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND BRANCH

UNITED STATES OF AMERICA,)	No. 08-CR-00594 SBA
)	
Plaintiff,)	
)	
v.)	STIPULATION AND
)	ORDER TO EXCLUDE TIME
)	TO SEPTEMBER 29, 2009
KERRY JONES,)	
)	
Defendant.)	

The above-captioned matter is set on September 8, 2009, before this Court for a status conference. The parties request that this Court vacate that date and set this matter for change of plea or trial setting on September 29, 2009 at 9:00 a.m., and that the Court exclude time under the Speedy Trial Act between the date of this stipulation and July 28, 2009. The parties stipulate that the time is excludable from the time limitations of the Speedy Trial Act because the interests of justice are served by granting a continuance, pursuant to 18 U.S.C. § 3161(h)(7)(A) and B(iv).

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1 Such continuance is required because Kerry Jones was recently undergoing
2 chemotherapy treatment for cancer. Jones has now completed his final round of
3 chemotherapy, and has only very recently been able to meet with his attorney in person to
4 review the discovery and discuss the charges against him. The parties have been
5 negotiating a proposed resolution to this case, but are still resolving issues involving loss
6 amounts and restitution. This continuance will allow the reasonable time necessary for
7 effective preparation, taking into account the exercise of due diligence.

8 As such, the parties respectfully request that the time between September 4, 2009
9 and September 29, 2009 be excluded under U.S.C. § 3161(h)(7)(A).
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12 DATED: September 9, 2009

Respectfully submitted,

13 JOSEPH P. RUSSONIELLO
14 United States Attorney

15 /s/ *Christina McCall*
16 CHRISTINA McCALL
Assistant United States Attorney

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18 /s/ *Miranda Kane*
19 MIRANDA KANE
Attorney for Kerry Jones

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ORDER

Based on the reason provided in the stipulation of the parties above, the Court hereby FINDS that for adequate preparation of the case by all parties, and pursuant to 18 U.S.C. Sections 3161(h)(8)(A) and (B)(iv) an exclusion of time is warranted under the Speedy Trial Act. Based on these findings, IT IS HEREBY ORDERED THAT the hearing is continued until September 29, 2009 at 9:00 a.m., and time is excluded until September 29, 2009.

IT IS SO ORDERED.

DATED:9/8/09


SAUNDRA BROWN ARMSTRONG
United States District Judge

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